

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**AGRON HASBAJRAMI,**  
**Plaintiff,**

**V.**

**RICH GLOGAU,**  
**Defendants.**

**C.A. No. 20-84 Erie**

**District Judge Susan Paradise Baxter**  
**Magistrate Judge Richard A. Lanzillo**

## MEMORANDUM ORDER

Plaintiff Agron Hasbajrami, an inmate incarcerated at the Federal Correctional Institution at McKean in Bradford, Pennsylvania (“FCI-McKean”), commenced this action by filing a *pro se* civil rights complaint against Defendant Rich Glogau, the supervisory chaplain at FCI-McKean. Plaintiff alleges that Defendant violated his rights under the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb, *et seq.* (“RFRA”), when he failed to open the prison chapel to allow Plaintiff to attend a communal prayer service commemorating Eid-ul-Adha, a Muslim religious holiday, on April 11, 2019. This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On March 1, 2021, Defendant filed a motion to dismiss Plaintiff’s complaint for failure to state a claim upon which relief may be granted [ECF No. 30], to which Plaintiff filed a brief in opposition [ECF No. 33]. On December 2, 2021, Magistrate Judge Lanzillo issued a report and recommendation (“R&R”) recommending that Defendants’ motion to dismiss be granted and that Plaintiff’s claim be dismissed, based primarily on the finding that Defendant’s alleged

failure to accommodate a religious prayer service on a single occasion did not amount to a substantial burden on Plaintiff's practice of his religion [ECF No. 41].<sup>1</sup> Nonetheless, Judge Lanzillo recommended that such dismissal should be granted without prejudice to Plaintiff's right to amend his complaint to allege additional facts sufficient to support his claim. No timely objections have been filed by Plaintiff; however, Plaintiff has filed a motion for leave to file an amended complaint to include additional allegations regarding Defendant's alleged denial of Plaintiff's (and other Muslim inmates') participation in the Eid communal prayer service on July 31, 2020 [ECF No. 42]. Such an amendment would overcome the complaint's principal deficiency of alleging only a single incident as the basis for his RFRA claim against Defendant, and, thus, corrects the primary error upon which the Magistrate Judge has recommended dismissal.

Thus, after de novo review of the complaint and documents in this case, together with the report and recommendation and Plaintiff's pending motion for leave to file an amended complaint, the following order is entered:

AND NOW, this 16th day of February, 2022;

IT IS HEREBY ORDERED that, in light of Plaintiff's proposed amended complaint, Plaintiff's motion for leave to file an amended complaint [ECF No. 42] is GRANTED and the Clerk is directed to re-docket Plaintiff's motion as his amended complaint.


IT IS FURTHER ORDERED that Defendant's motion to dismiss [ECF No. 30] is DISMISSED as moot, without prejudice to Defendant's right to reassert some or all of said

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As explained in the R&R, although Plaintiff asserts in his opposition brief that he and other Muslim inmates were also denied participation in the Eid prayer service on July 31, 2020, such assertion is not alleged in the complaint and, thus, is not properly before the Court (ECF No. 41 at p. 3 n. 2).

motion in response to the amended complaint, if applicable. For the reasons stated, the Court declines to adopt Judge Lanzillo's report and recommendation dated December 2, 2021 [ECF No. 41].

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
U.S. Magistrate Judge  
  
all parties of record